

## **REMARKS**

A minor correction has been made to claim 1, and claims 14 and 17 have been amended to recite similar features as those of claim 1. Claim 18 has been cancelled without prejudice or disclaimer. Claims 1-3, 14 and 17 are currently pending and under consideration. Reconsideration is respectfully requested.

**I. REJECTION OF CLAIMS 17 AND 18 UNDER 35 U.S.C. § 102(e) AS BEING ANTICIPATED BY WU ET AL. (U.S. PATENT NO. 6,545,783; HEREINAFTER “WU”):**

Amended claim 17 recites “an optical device comprising a first branching filter receiving a WDM signal comprising a plurality of even numbered and a plurality of odd numbered groups of wavelength signals multiplexed together and sequentially separating the wavelength division multiplexed signal lights of the plurality of even numbered or the plurality of odd numbered wavelength groups from the WDM signal; a second branching filter to sequentially separate the wavelength division multiplexed signal lights of the plurality of the even numbered or the plurality of odd numbered wavelength groups, which remain after the separation by the first branching filter, wherein each group comprising of a plurality of wavelength groups which do not neighbor the wavelength groups, belonging to the other group on the wavelength axis”.

In FIG. 9, Wu merely discloses an optical wavelength add/drop multiplexer using circulated drop filters to separate sets of channels for two add/drop switch arrays. A wavelength slicer separates the input WDM signal into two sets of alternating adjacent channels, the upper circulator receiving the first set and the lower circulator receiving the second set (see column 12, lines 44-53). The sets include odd and even numbered wavelengths, respectively. However, Wu fails to disclose that the two sets “do not neighbor each other” as recited in amended claim 17, for example. Therefore, it is respectfully submitted that the rejection is overcome.

**II. REJECTION OF CLAIMS 1 AND 3 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER WU IN VIEW OF BERGANO (U.S. PATENT NO. 6,459,515):**

In FIG. 2 of Bergano, a guard band is provided between adjacent wavelength bands including a plurality of wavelength channels. However, Bergano fails to disclose separating wavelength bands into even and odd numbered bands. Therefore, Bergano fails to disclose even separated wavelength bands would not neighbor a wavelength band belonging to the other wavelength band. That is, Bergano teaches only the combining of odd and even numbered channels in each wavelength band but fails to disclose any separation of the wavelength bands.

Thus, Bergano fails to make up for the deficiency of Wu mentioned above in section I. Therefore, the combination of Wu and Bergano fails to establish a prima facie case of obviousness over the present invention.

Further, the Applicants respectfully submit that the present invention does not recite "guard bands" in the claims.

Thus, the combination of Wu and Bergano fails to establish a prima facie case of obviousness over the present invention. Therefore, it is respectfully submitted that the rejection is overcome.

**III. REJECTION OF CLAIMS 2 AND 14 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER WU IN VIEW OF BERGANO AND FURTHER IN VIEW OF TAGA (previously cited):**

The comments mentioned above may be applied here, where applicable.

**IV. CONCLUSION:**

In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore, defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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